U.S. Citizenship and Immigration Services

California Service Center Open House August 31, 2016

Deferred Action for Childhood Arrivals (DACA)

U.S. Citizenship and Immigration Services

Deferred Action for Childhood Arrivals

DACA Background

- DHS Memo
  - Dated June 15, 2012
  - Issued by Secretary of DHS
  - Prosecutorial discretion
  - Defer removal
  - Work authorization
  - Does not provide lawful status

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Deferred Action for Childhood Arrivals

Jurisdiction:

The California Service Center reviews and processes all initial requests for DACA (I-821D/I-765)

Requests to renew a previously approved DACA request are processed by the Nebraska Service Center

Deferred Action for Childhood Arrivals

Processing Times:

- Form I-821D
  - 6 months
- Form I-765
  - 90 days after Form I-821D decision

Deferred Action for Childhood Arrivals

Inquiries

- No Appeal or Motion rights
- Submit case inquiry
  - National Customer Service Center: I-800-375-5283

Deferred Action for Childhood Arrivals

Travel with advance parole?

- Only after receiving deferred action
  - Do not file I-821D & I-131 concurrently
- File I-131, Application for Travel Document
  - Fee $360
  - "Advance Parole"
  - Humanitarian, educational or employment purposes
  - Processed at NSC

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DACA Guidelines

- Had no lawful status on June 15, 2012, (never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that he/she obtained prior to June 15, 2012 had expired before June 15, 2012)
- Was under the age of 31 as of June 15, 2012
- At least 15 years old at the time of filing (if in removal proceedings, can be under 15 years old)
- Came to the United States prior to reaching his/her 16th birthday
- Has continuously resided in the United States since June 15, 2007, up to the date of filing

DACA Guidelines (continued …)

- Was physically present in the United States on June 15, 2012, and at the time of making his/her request for consideration of deferred action with USCIS
- Is currently in school at the time of filing, has graduated or obtained a certificate of completion from a U.S. high school, has obtained a GED certificate or other equivalent State authorized exam in the United States, or is an honorably discharged veteran of the U.S. Coast Guard or U.S. Armed Forces AND
- Has not been convicted of a felony, a significant misdemeanor, or three or more non-significant misdemeanors, and does not otherwise pose a threat to national security or public safety

Q: What type of evidence is accepted to prove physical presence in the U.S. on June 15, 2012?

The following chart provides a non-exhaustive list of examples of documentation that may be submitted to demonstrate a Requestor meets the physical presence on June 15, 2012 guideline.

Proof of presence in U.S. on June 15, 2012	• Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc.) • School records (letters, report cards, etc.) • Military records (Form DD-214 or NGB Form 22) • Official records from a religious entity confirming participation in a religious ceremony

Other Evidence?

- Evidence other than those documents listed in this chart may be used to establish the Requestor was physically present in the United States on June 15, 2012.
- For example, even if you do not have documentary proof of your presence in the United States on June 15, 2012, you may still be able to satisfy the guideline. You may do so by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which, under the facts presented, may give rise to an inference of your presence on June 15, 2012 as well.
- Please see the instructions for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for additional details of acceptable documentation.

Q: I have a student who is requesting DACA who wants a letter of reference. What should I include in the letter? What should the purpose of the letter be?

USCIS cannot advise you on what information to include in a reference letter for a student who is requesting DACA. Information on the guidelines for requesting consideration of DACA and the types of evidence that may be submitted in support of a DACA request is available at www.uscis.gov.

Q: What can a case manager do to help with a student who is requesting DACA?

- Information regarding Deferred Action for Childhood Arrivals may be found at www.uscis.gov. The website includes information on the guidelines for requesting DACA for the first time, requesting a renewal of DACA, as well as other Frequently Asked Questions pertaining to the filing process, fee exemptions, travel information, national security and public safety guidelines and other topics.

Q: What legal obligations does the school district have to support DACA students?

- USCIS is not permitted to provide legal advice to stakeholders. Information pertaining to Deferred Action for Childhood Arrivals may be found at www.uscis.gov.

Q: Are individuals who have DACA or temporary visas allowed to participate in federal/public-funded programs, such as the North Coastal Career Center or WIOA?

- We are unable to answer this question as it falls outside the jurisdiction and scope of CSC operations. Information pertaining to Deferred Action for Childhood Arrivals may be found at www.uscis.gov. Questions concerning availability of public benefits should be addressed to the benefit-granting agencies.

Deferred Action for Childhood Arrivals

<u>Reminder</u> Requestors need to update USCIS with new address information upon moving

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AILA Doc. No. 16061332. (Posted 10/20/16)

USCIS Presentation Disclaimer

We understand that you will be taking notes today of the statements made by USCIS managers and officers. The materials being presented today are for informational purposes only and are not legal advice or dicta. The information disseminated today and statements made by USCIS personnel are intended solely for the purpose of providing public outreach to the Agency's stakeholders about issues of mutual interest. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

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Form I-130

Petition for Alien Relative

AILA Doc. No. 16061332. (Posted 10/20/16)

CSC Jurisdiction

- F1 USC filing for unmarried Son or Daughter
- F2A LPR filing for Spouse or Child
- F2B LPR filing for unmarried Son or Daughter
- F3 USC filing for married Son or Daughter
- F4 USC filing for Brother or Sister
- Overseas I-130 (CSC sole jurisdiction)
- Note: IR workload has shifted to the PSC.

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Processing Times

CSC Processing Date

- F1 Nov 2015
- F2A 5 months
- F2B May 2015
- F3 Mar 2012
- F4 May 2011

September Visa Bulletin

- F1 Sep 2009
- F2A Nov 2014
- F2B Feb 2010
- F3 Dec 2004
- F4 Oct 2003

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In Progress

- Form I-130 currently under development into ELIS (Electronic Immigration System)
  (projected deployment in FY17)

- PeRT (Petition electronic Routing Tool)
  DOS electronic system for consular returns
  (deployment date TBD and will begin with the NSC first)

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Q&A

Q1: Form I-130, Petition for Alien Relative, waiver question: should beneficiary of a Form I-130 who is inadmissible file a waiver of inadmissibility in the U.S. or at a U.S. Consulate in their home country?

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Q&A

A1: Immigrant visa applicants applying for a waiver of a ground of inadmissibility from outside the U.S. will file the Form I-601 by mail with a USCIS domestic Lockbox facility. The Lockbox facility will send all Form I-601 applications submitted by international filers to the Nebraska Service Center for adjudication. The following exceptions apply:

- Individuals in Cuba can continue to file their Form I-601 applications at the USCIS Havana Field Office or can elect to file with the Lockbox facility.
- USCIS international offices may allow applicants to file directly with a USCIS office outside the U.S. in certain cases for exceptional and compelling circumstances.

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Q&A

Visit Direct Filing Addresses for Form I-601, Application for Waiver of Grounds of Inadmissibility page for information on where to file, filing Form I-601 together with Form I-485, and filing Form I-601 while Form I-485 is pending.

Complete information on the filing of Form I-601 can be found at https://www.uscis.gov/forms/centralized-filing-and-adjudication-form-i-601-application-waiver-grounds-inadmissibility.

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Q&A

Q2: Humanitarian Reinstatement**:** Members have reported requests for Humanitarian Reinstatement rejected for failure to file a "timely" motion to reopen on Form I-290B. Typically this has arisen in situations where a pro-se application has filed a request for Humanitarian Reinstatement, and a new HR request is later submitted by an attorney. This issue was raised in the CIS Ombudsman's 2014 annual report to Congress in which USCIS Service Center Operations Directorate confirmed there is no statute, regulation, or USCIS policy to limit the "number of [reinstatement] requests that can be made following the death of a petitioner on an approved I-130". See https://www.dhs.gov/sites/default/files/publications/cisomb-annual-report-2014-508compliant_0.pdf at p. 45 Under what legal authority is CSC rejecting subsequent HR requests based on not having filed a timely motion within 30 days of the original decision?

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Q&A

A2: In accordance with the provisions of 8 CFR 205.1(a)(3)(i)(C), the Form I-130 petition is automatically revoked as of the date of its approval upon the death of the petitioner. This section of law provision also gives USCIS discretion to decide, for humanitarian reasons, that the approval should not be revoked. If USCIS determines, following humanitarian reinstatement request, that the circumstances of the case do not warrant a favorable discretionary decision, the petition will remain automatically revoked by operation of law.

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Welcome to the California Service Center

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DISCLAIMER:

THE CONTENT BEING PRESENTED IS NOT TO BE ACCEPTED AS SETTING A PRECEDENT DECISION OF ANY KIND AND IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION DISSEMINATED TODAY AND STATEMENTS MADE BY USCIS PERSONNEL ARE INTENDED SOLELY FOR THE PURPOSE OF PROVIDING PUBLIC OUTREACH TO THE AGENCY'S STAKEHOLDERS ABOUT ISSUES OF MUTUAL INTEREST.

DISCLAIMER:

IT IS NOT INTENDED TO, DOES NOT, AND MAY NOT BE RELIED UPON TO CREATE ANY RIGHT OR BENEFIT, SUBSTANTIVE OR PROCEDURAL, ENFORCEABLE AT LAW OR BY ANY INDIVIDUAL OR OTHER PARTY IN REMOVAL PROCEEDINGS, IN LITIGATION WITH THE UNITED STATES, OR IN ANY OTHER FORM OR MANNER.

Presenters:
Family Based Section:

Supervisory Immigration Services Officer

U.S. Citizenship and Immigration Services

Petition for Alien Fiancé(e)

USCIS Form I-129F (K-1)

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AILA Doc. No. 16061332. (Posted 10/20/16)

What is the purpose of a K-1?

- The Form I-129F is used to petition to classify a beneficiary as a fiancé(e) of a United States Citizen (USC). (It may also be used in conjunction with the Form I-130 to classify the spouse of a USC as a K-3 nonimmigrant).
- Upon approval of the Form I-129F, the beneficiary may apply for a K-1 nonimmigrant visa from the U.S. Department of State (DOS).
- The K-1 nonimmigrant visa allows the beneficiary to apply for admission to the United States as a K-1 nonimmigrant for the sole purpose of marriage to the USC petitioner within 90 days of admission. Upon marriage to the petitioner, the beneficiary may seek adjustment of status to a Lawful Permanent Resident.

Filing Requirements

- To be eligible, the petitioner must be a USC and establish that:
  - The petitioner and beneficiary intend to marry within 90 days of the beneficiary's admission to the U.S. as a K-1 nonimmigrant.
  - Both are free to marry.
  - Both have met in person within the two years immediately preceding the filing of the I-129F K1 petition.*

*Waiver of 2-year meeting requirement may be requested

Waiver for the 2-year meeting in person requirement

- A request to waive the 2-year meeting in person requirement may be requested
  - The petitioner must establish the requirement to meet the fiancé(e) in person would violate strict and long-established customs of the beneficiary's foreign culture or social practice; OR
  - The petitioner must establish the requirement would result in extreme hardship for the petitioner.

Evidence for Eligibility

- Evidence that the petitioner is a USC.
- Passport-style photos & Forms G-325A.
- Evidence of the legal termination of all prior marriages for the petitioner and the beneficiary.

DOS's Civil Documents Website

https://travel.state.gov/content/visas/en/fees/reciprocity-by-country.html

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Evidence for Eligibility (continued)

- Evidence of the 2-Year meeting in person requirement.
- Evidence of the beneficiary's intent to marry the petitioner within 90 days of admission.
- Waiver request(s) (if applicable).
- Court disposition of any IMBRA specified offenses (if applicable).

Common Issues

- Form I-129F does not contain a signature and date.
- Form G-325***A*** is not submitted and/or sections of the form are not completed.
- Form I-129F is not completed in full
  - Answers to specific questions are incomplete or do not contain responses.

Common Issues

- Complete marriage termination documents are not submitted:
  - Some pages from divorce decrees are not submitted.
  - Evidence of a final divorce decree signed by a judge or magistrate, or a death certificate issued by the appropriate civil authorities is not submitted.
- Eligibility is not established at the time of filing:
  - Example: An individual's prior marriage is legally terminated after the Form I-129F is filed.

Common Issues

- Foreign language documents are submitted without full and/or properly certified, English translations
  - 8 C.F.R. 103.2(b)(3) states:
    - Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

International Marriage Brokers Regulation Act (IMBRA) filing limitations:

- A filing limitation waiver must be requested if any of the following apply:
  - The petitioner has filed Form I-129F for two or more beneficiaries (at any time); or
  - The petitioner had filed a Form I-129F, the petition was approved, and less than 2 years have passed since the filing date of the previously approved Form I-129F.

IMBRA Multiple Filer Waivers

- General Waiver
  - Multiple Filer, no criminal convictions for IMBRA-related offenses.
- Extraordinary Circumstances Waiver
  - Multiple Filer, has criminal convictions for IMBRA-related offenses.
- Mandatory Waiver
  - Multiple Filer, has criminal convictions for IMBRA-related offenses, but was subject to abuse or committed crimes in self-defense.

If Approved, then what?

- An approved I-129F is valid for four months. The beneficiary must apply for a K-1 nonimmigrant visa with DOS during this time period.

- Fiancé(e) is admitted to the U.S. on a K-1 nonimmigrant visa. He/she must marry the USC petitioner within 90 days.

- Once married, the alien spouse may apply for adjustment of status using Form I-485.

I-129F Returned from DOS

- The I-129F may be returned to USCIS from DOS as the result of :
  - USCIS error at the time of adjudication;
  - Information discovered affecting the beneficiary's eligibility for the classification;
  - Information is discovered that the petitioner failed to disclose information pertaining IMBRA related crimes.

I-129F Consular Returns

- There is no provision to revoke an approved I-129F.
- The physical petition is returned from DOS.
- Generally, in cases where the beneficiary is interviewed by DOS and the K1 nonimmigrant visa was not issued, the four-month validity period typically will have expired.
- Form I-129F returned by DOS to USCIS as expired will be allowed to remain expired (8 C.F.R. 214.2(k)(5)). USCIS will not re-open expired K-1 nonimmigrant visa petitions unless there is a clear error regarding statutory eligibility in the record at the time of the original adjudication of the petition.

I-129F Consular Returns – Continued:

- A petition returned as a result of derogatory information will have typically expired by the time it is returned to USCIS.
- The validity period in these cases is not extended and the petition is terminated.
- There is no appeal of the termination notice, but the petitioner may file a new Form I-129F.

Petitioner Death or Withdrawal

- In cases where the petitioner dies or requests withdrawal of the Form I-129F before the beneficiary arrives in the United States, the petition is automatically terminated.
- Humanitarian benefits in cases where the petitioner dies are not available for an I-129F petition.
- If the petitioner dies after the petitioner and beneficiary marry, the beneficiary will be treated as the beneficiary of a Form I-360.

Answers to…

Your previously submitted K-1 question:

What does CSC do with Form I-129F returned by the consulate for possible revocation?

- There is no provision to revoke an approved Form I-129F.
- The physical petition is returned from DOS:
  - Generally, in cases where the beneficiary is interviewed by DOS and the K1 nonimmigrant visa was not issued, the four-month validity period typically will have expired. All Form I-129F returned by DOS to USCIS as expired cases will be allowed to remain expired (8 C.F.R. 214.2(k)(5)). If a case is returned due to a correctable error in the adjudication, the case may be reopened and revalidated.

Answers to…

Your previously submitted TPS questions:

When will we be able to file TPS applications online again?

- USCIS currently in the process of moving filing for benefits to an online portal (ELIS).
- There is no set time frame for the availability of online filing for TPS benefits processed by the California Service Center.
- USCIS understands the public's desire to file online and is working on a process as expeditiously as possible.

What options do families have when their country of origin is not listed as a TPS country, but they are dealing with extreme dangers?

- Humanitarian benefits and relief to individuals affected by a variety of situations such as natural disasters or war may be available. The best practice is to check the USCIS website which contains a vast amount of resources and information.
  - https://www.uscis.gov/humanitarian

Can you please discuss documents issued by USCIS to verify “pending” and “approved” TPS and DACA cases?

- When an application or request is submitted to USCIS, the applicant/requestor will receive a receipt notice that will serve as evidence of having filed Forms I-821 or I-821D. This notice is proof that the case is pending.
- Upon approval of an application or request, an approval notice (Form I-797) showing the approval of the Form I-821 or I-821D is produced and sent. This is evidence that the case has been approved.

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Can you please discuss documents issued by USCIS to verify “pending” and “approved” TPS and DACA cases? - Continued

- Additionally, a TPS “prima facie” eligible applicant gets a “C-19” designated EAD initially, and if approved for TPS re-registration (assuming the country’s designation is extended), the TPS beneficiary will then get an “A-12” designated EAD. DACA recipients, including approved renewal requests, only receive EADs designated “C-33” after being granted DACA or having their DACA approved for renewal.

Thank you!

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I-765 Update

- The student I-765 workload has been transferred to the Potomac Service Center.
- This includes applications filed under Title 8 of the Code of Federal Regulations 214.2(f) and 274a.12(c)(3), (c)(5) and (c)(6).
- Very few remain at the California Service Center.

I-539 Filing Tips

- All questions on the application must be answered. If any item does not apply, the applicant may write “N/A”.
- The applicant’s full legal name, as shown on his or her passport, should be used unless a legal name change has occurred. Proof of a legal name change must be provided.
- The applicant must provide his or her current mailing address in the United States. Foreign addresses may not be used for this purpose.
- The application must be properly signed in the signature box.

Documents to Be Included With the Application

- The applicant's statement explaining reason for request.
- Copies of each applicant's valid passport.
- Each applicant's Form I-94 or printout from www.cbp.gov/i94.
- Proof of the relationship between co-applicants.
- Financial evidence.
- English translations for all foreign language documents.

Documents to Be Included With the Application (continued)

- For Fs and Ms:
  - Properly signed SEVIS I-20s for all applicants.
  - SEVIS I-901 fee if required.
- For Js: Properly signed DS-2019s for all applicants.

Documents to Be Included With the Application (continued)

- For dependents:
  - Evidence of the principal alien's status (Form I-797, Form I-94, admission stamp in passport, etc.).
  - Evidence that the principal alien is maintaining his or her status (pay records, W-2 forms, etc.).
  - Evidence of each applicant's relationship to the principal alien.

Documents to Be Included With the Application (continued)

- If the principal alien is no longer employed, a letter from the principal alien's employer indicating the last date of employment and the principal alien's most recent pay records should be submitted.

Common Application Rejection Reasons

- These are common reasons why the Lockbox rejects applications:
  - Fee issues.
  - Missing signature.
  - Outdated version of the application.

Designated School Official (DSO) Assistance in the Filing Process

- To help facilitate the filing process, DSOs can:
  - Make sure that the Student and Exchange Visitor Information System (SEVIS) is updated correctly before the application is filed.
  - Review the application and supporting evidence before the student submits it.
  - Remind students of the timelines for filing their applications.

Post-Application Submission Requests

- Services such as address changes for all forms are processed within 5 to 10 business days.
- The procedure for expedite requests may be found on the USCIS website.

Common I-765 Filing Errors

- Common mistakes are:
  - Not consulting with a DSO before filing the application.
  - No OPT or STEM request in SEVIS prior to the filing of the application.
  - Not submitting the required evidence.
  - Untimely filing.
  - Submitting unacceptable photos.

New I-765 STEM Regulations

- As of May 10, 2016, STEM OPT I-765s are no longer adjudicated under the previous regulations and must be adjudicated under the new regulations. After August 8, 2016, USCIS is no longer accepting applications requesting the additional 7-months for students currently on 17-month STEM OPT. All STEM OPT requests are now adjudicated as requests for a 24-month STEM OPT extension.

E-Verify

- All inquiries regarding checks of E-Verify numbers for STEM applications should be referred to the Potomac Service Center.
- DSOs may contact Potomac Service Center at PSC.StudentEAD@uscis.dhs.gov for all student-related I-765s inquiries.

EAD Correction Requests

- The student must return the incorrect card when requesting correction of the error with evidence to support the requested correction.
- The Nebraska Service Center is processing correction requests for EADs issued by the Potomac Service Center.
- Advise students to include an explanation for requesting a replacement EAD.

M-1 Program Completed While the I-539 is Pending

Q: What does USCIS want applicants to do if they have an application pending for an M extension of status or reinstatement of status and they have finished their program? Withdraw the application?

A: *If a student completes the M-1 program while his or her I-539 application for extension of stay, change of status to M-1, or reinstatement is pending, the student has the option of withdrawing the application.*

I-539 for Post-Completion OPT (M-1)

Q: A few M students have a one year I-20 and must file for an extension at the same time as they file for M-1 practical training. In the past the applicant could request the extension to cover the OPT period and the academic extension on the I-539. Can you please let me know if this is still something a student can request? The extension in SEVIS is for the academic period only.

A: *An M-1 student who needs to extend his or her stay in order to complete the M-1 program must file an I-539 for the extension period.*

- In the case of a student whose Form I-94, Arrival/Departure Record, covers the requested OPT period, an I-539 is not required for OPT purposes.

J Issues

Q: What is the point of a travel signature valid for 1 year? (in the DS-2019)

A: *All questions regarding the DS-2019, including questions regarding travel signatures, should be referred to the program's Responsible Officer.*

Q*:* Are J-1s required to notify whether they could give a lecture outside their sponsored institution if unpaid?

A: Questions regarding employment restrictions, including providing services for employers other than the sponsoring employer, should be referred to the sponsoring agency.

J Issues (continued)

Q: If a J-1 holder has received a waiver of the 2 year home residence requirement and travels outside the U.S. and returns before the end date of J-1 status, is he or she subject to 212e again?

A: A J-1 who receives a waiver of the two-year foreign residence requirement, then departs the United States and returns before the end of his or her J-1 status to continue with the same program is not subject to 212(e) again.

J Issues (continued)

Q: If a J-1 holder in the above situation applies for a J-1 visa abroad and returns before the end date, is he or she subject again?

A: *A J-1 who receives a waiver of the two-year foreign residence requirement, then departs the United States and returns to participate in a different program which is subject to 212(e) is subject to 212(e) again.*

SEVIS Issues

Q: What's the reason for not indicating USCIS decisions into SEVIS (i.e. OPT, etc.)?

A: *All inquiries regarding USCIS decisions that do not appear in SEVIS should be referred to the SEVIS Help Desk at 1-800-892-4829.*

STEM OPT Students Placed at Third-Party Worksites

Q: I-983 instructions placed on third party worksite, can it be under the on-site supervision of sponsoring employer?

A: Form I-983 is not a USCIS form; it is an Immigration and Customs Enforcement form.

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California Service Center Employment Branch Overview

U.S. Citizenship and Immigration Services

Employment Branch Update

- Restructuring effective in February 2016
- Creation of the second Employment Branch
- Employment Branch 1 (EB1) with 2 Sections (EB1-1 & EB1-2)
- Employment Branch 2 (EB2) with 3 Sections (EB2-1, EB2-2, & EB2-3)

EB1-1 Workloads

I-129 – Petition for a Nonimmigrant Worker

- **E-1/E-2**: Treaty Trader / Treaty Investor; *CSC has sole jurisdiction*
- **H-3**: Trainee
- **L-1A/L-1B**: Intracompany Transferee – Manager/Executive / Specialized Knowledge
- **O-1**: Persons with Extraordinary Ability
- **P-1/P-2/P-3**: Internationally Recognized Athletes or Entertainers / Artist/Entertainer in a Reciprocal Exchange Program / Culturally Unique Artist/Entertainer
- **Q-1**: International Cultural Exchange Program Participant

EB1-2 Workloads

I-129 – Petition for a Nonimmigrant Worker:

- H-2A Agricultural workers (*CSC has sole jurisdiction)*
- H-2B Non-Agricultural workers *(CSC & VSC shared jurisdiction)*

- R - Religious Worker (*CSC has sole jurisdiction)*

I-360 – Petition for Amerasian, Widow(er), or Special Immigrant:

- Religious Worker (*CSC has sole jurisdiction)*

- **I-102** – Application for Replacement/Initial Nonimmigrant Arrival-Departure Document

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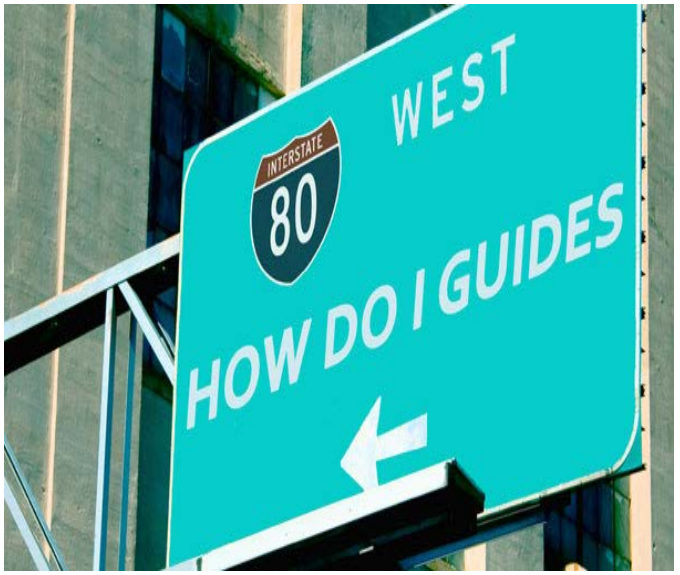
Employment Branch 1
Section 1
Best Practices & Filing Tips



- E1 / E2 classifications
- L-1A / L-1B classifications
- O / P classifications

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EB1-1 Q & As

Question #1 / part 1:

Regarding L-1 extensions, what factors do you look at to determine if an L-1 manager/executive who has been in L-1 status for one year in a new enterprise, and who is now seeking an extension of that status, is performing as a manager or executive?

EB1-1 Q & As cont.

Answer:

The specific regulatory requirements for an L-1 extension based on a new office petition require that the petitioner provide:

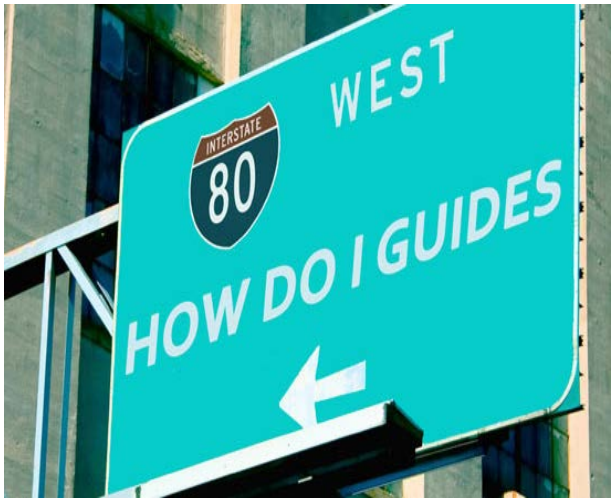
- Evidence that the U.S. and foreign entities are still qualifying organizations;
- Evidence that the U.S. entity has been doing business for the previous year;
- A statement of the duties performed by the beneficiary for the previous year and the duties the beneficiary will perform under the extended petition;
- A statement describing the staffing of the new operation, including the number of employees and types of positions held accompanied by evidence of wages paid to employees; and
- Evidence of the financial status of the U.S. operation.

EB1-1 Q & As cont.

Answer cont.:

- Specifically regarding whether the beneficiary is performing as manager or executive, the petitioner must demonstrate that the beneficiary will be performing duties that are primarily managerial or executive in nature, as defined by the regulations, rather than those of a first-line supervisor of non-professional employees performing the day-to-day duties of the business. USCIS reviews the evidence to determine whether the beneficiary will have sufficient managerial or executive authority over the organization or personnel. While not all-inclusive, you may choose to submit organizational charts, a roster of employees, position descriptions, payroll records, wage reports, and employment agreements. All of these documents would be helpful in making this determination, however, the petitioner may submit any evidence it believes will establish eligibility.

EB1-1 Q & As cont.



Question #1 / part 2:

Are there certain factors that are more significant than others, in other words, certain factors that carry more weight in the determination?

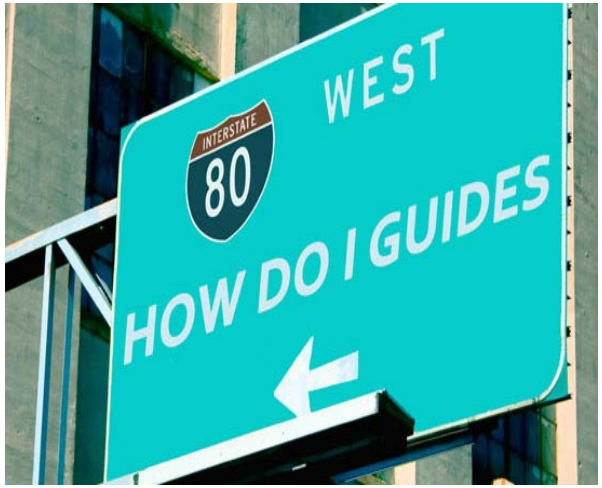
U.S. Citizenship and Immigration Services

EB1-1 Q & As cont.

Answer:

All of the evidence submitted by the petitioner will be considered in its totality based upon a preponderance of evidence standard.

EB1-1 Q & As cont.



Question #2 / part 1:

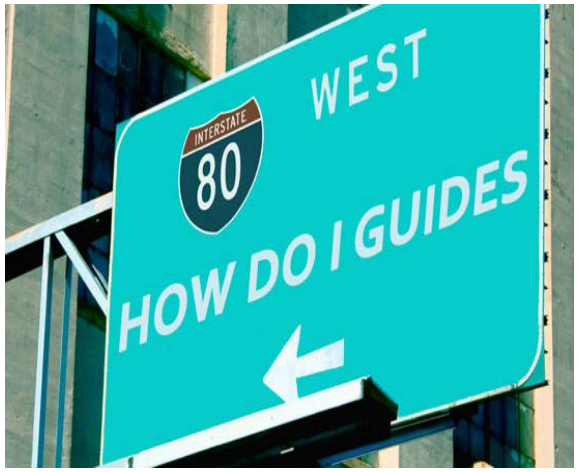
L-1B petitions: Why is there such an inconsistency in adjudication of these petitions?

EB1-1 Q & As cont.

Answer:

The L-1B adjudication requires individualized assessments based on a totality of the circumstances and determinations based upon the law and the evidence presented based on the preponderance of the evidence standard. These assessments are extremely fact intensive and the petitions vary in the type of position and industry in which the beneficiary will be working. Ultimately, it is the weight and type of evidence that establishes whether the beneficiary possesses specialized knowledge, as well as whether the position itself is one that requires it be filled by a person possessing such specialized knowledge. USCIS is committed to ensuring consistent adjudication of petitions for specialized knowledge employees. In all cases, USCIS will review the entire record to determine whether the petitioner has established by a preponderance of the evidence that the beneficiary has specialized knowledge and the position itself requires such specialized knowledge based on the totality of the circumstances.

EB1-1 Q & As cont.



Question #2 / part 2:

Why does CSC believe that Indian IT companies who place employees at third-party client sites do not require specialized knowledge?

EB1-1 Q & As cont.

Answer:

USCIS does not prejudge any petition based on the nationality of the petitioner or on any other factor – in all cases, USCIS adjudicates petitions based on all the facts presented, consistent with existing law. In this regard, USCIS must determine whether a beneficiary is eligible for L-1B classification under the conditions established by the L-1 Visa Reform Act when reviewing a petition for an L-1B beneficiary who will be primarily stationed at the worksite of an unaffiliated employer. Pursuant the L-1 Visa Reform Act, a petitioner must establish that the beneficiary: (1) will not be controlled and supervised principally by the unaffiliated employer; and (2) will be placed in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary. Absent this showing, the worker is not eligible for L-1B classification.

EB1-1 Q & As cont.

Question #3:

We are interested in your implementation of the new L-1B memorandum; in your preferences for making your job easier in adjudicating our L-1, H-1B, and business and family based applications in general. For example, what is your favored order of exhibits; do you like a list of exhibits; do you like a cover letter that specifically lists the different exhibits; what is the most helpful way to use the forms in conjunction with the letters – we know that adjudicators have limited time to evaluate each petition, so it helps up to make the best case when we know how we make it most easy for you to see and find what you need to see and find in our applications.

EB1-1 Q & As cont.

Answer:

USCIS published the new L-1B policy memorandum on August 17, 2015. All of our officers were provided refresher training which discusses the memo. In addition, USCIS created and has been utilizing a national L-1B RFE template which was posted for public comment. We do not require more evidence than that specified in the regulations. In helping adjudicators understand the basis for the benefit required, it may be helpful to provide detailed information, including a cover letter and supporting documents which are submitted in a organized manner.

EB1-1 Q & As cont.

Question #4:

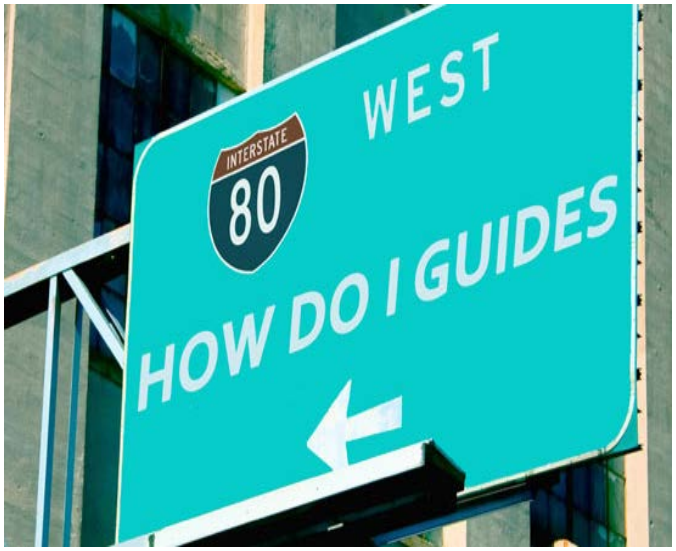
For P-3 cases, it can be very difficult to find a qualified organization to write a consultation letter in cases where there are no labor organizations that exists. Some organizations on the O1/P3 work visa list posted on the USCIS website has flat-out rejected our request for such letters. Furthermore, some organizations (such as the art counsel of the state of California) have told us that they have requested to be removed from the USCIS list to no avail. For these difficult cases, would the government consider opinion letters from expert witnesses from overseas?

EB1-1 Q & As cont.

Answer:

A consultation with an appropriate labor organization is required for P-3 petitions involving aliens in culturally unique programs, unless the petitioner establishes that an appropriate labor organization does not exist. Unlike some other nonimmigrant classifications, there are no provisions for the substitution of an individual expert or group "peer review" attestation in lieu of a labor consultation in a petition for the P-3 classification. USCIS's list does include multiple organizations relating to different types of artists and regularly receives opinions from these organizations. Please note that the list is not exclusive or exhaustive and USCIS will make efforts to remove organizations from its list that have not agreed to provide advisory opinions.

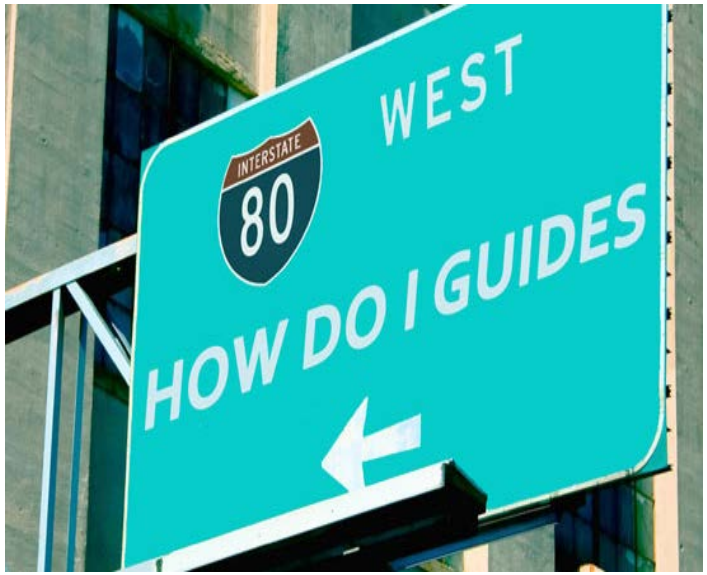
Employment Branch 1
Section 2
Best Practices & Filing Tips



- H-2A / H-2B Classifications
- I-129 R / I-360 SD/SR Classifications

U.S. Citizenship and Immigration Services

EB1-2 Q & As



Question #1:

What is the policy shift in reviewing/proving a temporary need/seasonality?

EB1-2 Q & As cont.

Answer:

- There has not been a policy shift in reviewing H-2 temporary or seasonal need. By regulation, a U.S. Department of Labor (DOL) issued temporary labor certification (TLC) is advisory in nature. While entitled to deference, it is USCIS's responsibility under existing law to make the ultimate determination as to whether the employer has a temporary or seasonal need after the U.S. Department of Labor (DOL) certified the TLC. See 8 CFR 214.2(h)(5)(ii) (H-2A petitions) and 8 CFR 214.2(h)(6)(iii) (H-2B petitions).

EB1-2 Q & As

Question #2:

For H-2B Adjudications what types of cases qualify as Seasonal and what do NOT?

EB1-2 Q & As
Answer:

As noted on the USCIS website and in DHS regulations, ~~A~~ petitioner claiming a seasonal need must show that the service or labor for which it seeks workers is:

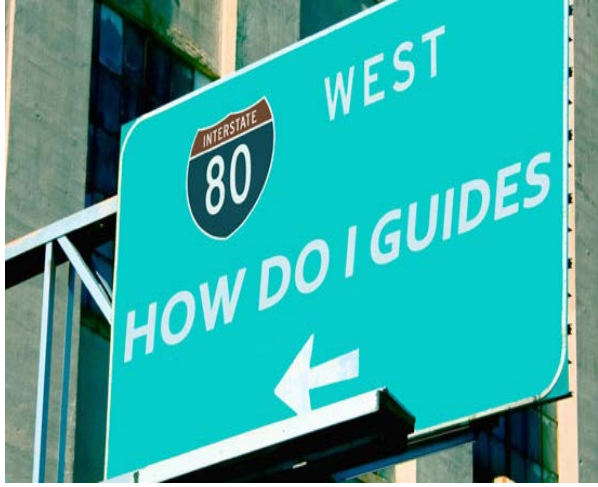
- Traditionally tied to a season of the year by an event or pattern; and
- Of a recurring nature.

Note: You cannot claim a seasonal need if the time period when you do NOT need the service or labor is:

- *Unpredictable;*
- *Subject to arbitrary change; or*
- *Considered a vacation period for your permanent employees.*

U.S. Citizenship and Immigration Services

EB1-2 Q & As cont.



Question #3:

What is the structure of reviewing petitions/issuing RFEs?

EB1-2 Q & As cont.

Answer:

The current process is as follows: The officer reviews the case and if the officer determines that an RFE is necessary, the officer will draft the RFE. The RFE is then submitted to the supervisor for review. If the supervisor has questions or corrections, the RFE is sent back to the officer for corrections or clarifications. Once the supervisor agrees, then the RFE is issued.

EB1-2 Q & As cont.

Question #4:

What should be included in a Returning Worker petition? How do we better prove that a returning worker is in fact, a returning worker?

U.S. Citizenship and Immigration Services

EB1-2 Q & As cont.

Answer:

The returning worker provisions only apply to the H-2B classification. The Petitioner is required to submit a Returning Worker Certification form with the required information listed in the form. Additionally, the petitioner must provide evidence showing that the beneficiary was counted in the H-2B Cap in FY2013, 2014, or 2015, which may include but is not limited to:

- Form I-797 approval notices for the beneficiary;
- The beneficiary's passport identification page;
- The beneficiary's H-2B visa(s);
- Forms I-94 for the beneficiary showing H-2B admission;
- Lists of USCIS receipt numbers that were approved for the beneficiary; or
- The beneficiary's visa applications to the U.S. Department of State (DOS).

EB1-2 Q & As cont.

Question #5:

Can you tell me more about the H2A Visas in California? (i.e. current demand, process, restrictions)

U.S. Citizenship and Immigration Services

EB1-2 Q & As cont.

Answer:

We do not have statistics on the current demand for H-2A visas in California specifically. The process and restrictions for H-2A visas are the same, regardless of the state that the beneficiaries will work in or where the petitioner is located. There are no special processes or restrictions for H-2A beneficiaries or petitioners in California.

EB1-2 Q & As cont.

Question #6:

Are there any actions to speed up I-360s based on non-minister status and the I-485 EB4 due to the sunset on September 30, 2016?

EB1-2 Q & As cont.

Answer:

We are currently making every effort to reduce the backlog on the I-360 petitions for minister and non-minister positions by allocating overtime funds. We have also cross trained additional officers as part of this effort.

EB1-2 Q & As cont.

Question #7:

Any ongoing actions to provide expedited I-360 processing for religious workers as there is for I-129s?

U.S. Citizenship and Immigration Services

EB1-2 Q & As cont.

Answer:

Currently, premium processing service is not available for I-360 petitions.

EB2 Workloads

I-129 – Petition for a Nonimmigrant Worker

- H-1B Initial Cap Filings
- H-1B Cap Exempt Filings (*CSC has sole jurisdiction of H-1B petitions filed by cap-exempt employers)*

I-129CW – Petition for a CNMI-Only Nonimmigrant Transitional Worker (*CSC has sole jurisdiction)*

I-765 – Application for Employment Authorization

- C26 – Employment authorization for Certain H-4 Dependent Spouses

Employment Branch 2
H-1B and CNMI
Pre-submitted questions

Is the CSC still following the policy stated in the Ohata memo regarding giving deference to a prior decision in a work visa extension scenario? We are starting to see lengthy RFEs issued for work visa extensions involving the same position and same employer.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2 Answer:

USCIS has consistently followed the 2004 Yates deference memo regarding giving deference to a prior decision. However, ISOs are not bound to approve subsequent petitions or applications seeking immigration benefits where eligibility has not been demonstrated, merely because of a prior approval which may have been erroneous. A case where prior approval need not be given deference includes where: (1) it is determined that there was a material error with regard to the previous petition approval; (2) a substantial change in circumstances has taken place; or (3) there is new material information that adversely impacts eligibility.

As a result, ISOs may find it necessary to issue an RFE upon reviewing the information & evidence submitted with an extension filing. RFEs issued for H-1B extensions involving the same position and same employer are subject to supervisor review and require concurrence from the section chief.

U.S. Citizenship and Immigration Services

Employment Branch 2

Pre-submitted questions

Is it still CSC policy not to interfere with the adjudicator during the RFE process? We're starting to see lengthy RFE's again requesting documents already submitted with the original package.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2 Answer:

USCIS does not interfere with an ISO's (Immigration Service Officer's) responsibility to adjudicate petitions and other benefit requests based on the applicable law and facts presented in each case. In an effort to minimize the number of unnecessary RFEs that are inadvertently issued, however, USCIS frequently reminds ISOs to ensure they are only requesting evidence that has not already been provided. Additionally, ISOs are trained to customize and tailor RFEs for each case based on the evidence provided in the record. When drafting RFEs, officers are encouraged to discuss the evidence already submitted and explain how the evidence does not establish eligibility. If petitioners believe that the evidence in the record establishes eligibility, they can respond to the RFEs with a request to adjudicate based on the record.

Employment Branch 2

H-1B cap exempt: In March 2011 USCIS came out with a memo giving deference to prior determinations since June 2006. IMPACT OF POLICY: This unintentionally created UNFAIR situation of profit staffing companies & non for profit entities QUESTION: CAN USCIS REVOKE this policy to approve for previous H-1B cap exempt approvals prior to March 2011 to create a FAIR level playing field?

U.S. Citizenship and Immigration Services

Employment Branch 2 Answer:

Until further guidance is issued, USCIS will continue to apply interim procedures described in that March 2011 memo to H-1B petitions seeking an exemption from the statutory H-1B numerical cap based on an affiliation with or relation to an institution of higher education. USCIS notes that the institution of higher education that the nonprofit entity is seeking to demonstrate affiliation or relation with need not own the nonprofit entity but can be connected or associated through shared ownership or control by the same board or federation operated by an institution of higher education, or attached to the institution of higher education as a member, branch, cooperative, or subsidiary.

Employment Branch 2

How does 240-day rule apply when H-1B extensions are taking 9 months?

USCIS is aware of this concern and has made all pending cases nearing the 240-day processing a very high priority. The beneficiary of a timely filed H-1B extension of stay petition for continued employment with the same employer is authorized to continue working with the same employer for up to 240 days following expiration of the beneficiary's authorized period of stay. If the H-1B petition to extend the beneficiary's status in the same employment is still pending more than 240 days after the expiration date of the beneficiary's period of admission, the employment authorization provided under 8 CFR 274a.12(b)(20) ceases. Note that a request for Change of Employer, Concurrent employment, and amended petitions employment authorization is extended under H-1B portability 212(n) and does not have a time limit.

U.S. Citizenship and Immigration Services

Employment Branch 2

If an H-1B or H4 visa holder indicates the H-1B's employment has or will terminate, can you discuss what employment documents are recommended to verify end date of employment?

U.S. Citizenship and Immigration Services

Employment Branch 2 Answer:

You may provide a combination of the following or similar types of evidence. Such evidence may include but is not limited to:

- Copies of the beneficiary's pay records (leave and earnings statements, and pay stubs, etc.) for the last two pay periods prior to the filing of the present petition;
- Copy of any employment history records, including but not limited to, documentation showing date of hire and dates of job changes, i.e. promotions, demotions, transfers, layoff, termination, and pay changes with effective dates.

Employment Branch 2

H-1B cap petition processing time and tips when filing H-1B petitions

USCIS generally process cases in the order they are received. On May 12, 2016, USCIS began adjudication of the FY 17 cap-subject H-1B petitions. USCIS is working hard to process most FY 2017 CAP cases by September 30, 2016 and has prioritized these cases accordingly. For FY 17, CSC received 48,094 CAP cases.

-**Tips:** Make sure the petition is filled out completely, correctly, and include all required signatures. Also, provide supporting documents to substantiate all claims.

U.S. Citizenship and Immigration Services

Employment Branch 2

Please describe how the VSC and CSC coordinate and communicate on H-1B petitions where a request for an I-612 waiver of the two-year foreign residence requirement is either pending at the VSC (favorable DOS recommendation) or has been approved. Has there been a change in procedure for these cases?

U.S. Citizenship and Immigration Services

Employment Branch 2 Answer

No, there has not been a change in procedure. However, if not all of the required initial evidence has been submitted or the officer determines that the totality of the evidence submitted does not meet the applicable standard of proof, the officer will issue an RFE. In addition, CSC will contact VSC to obtain I-612 case status and possible adjudication. In certain circumstances, if VSC is unable to adjudicate the I-612, CSC may issue an RFE and request the petitioner to obtain the appropriate I-612 approval notice and respond to the RFE.

Employment Branch 2

H-1B: Please provide an update on processing times of FY2017 cap-subject H-1Bs. Please also provide an update on processing for cap-exempt H-1B petitions and extensions.

CSC has taken action on a majority of FY 17 CAP cases. In June, CSC transferred 3000 extension of stay cases to Nebraska Service Center. Please note the processing time at CSC is currently December 15, 2015 for EOS, COS and visa to be issued abroad I-129 H1B petitions. We continue to work on Cap-Exempt petitions, amendments and extensions focusing on the oldest first.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2

H-1B: Have all FY2017 cap-subject filings that were not selected in the lottery been returned at this time?

Yes, by now you should have received the returned Non-Selected lottery submissions. If you submitted an H-1B cap-subject petition between April 1 and April 7, 2016 and have not received a receipt notice or a returned petition by now, you may contact USCIS for assistance.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2

Specialty Occupation: Several federal district courts have now rejected the common USCIS practice of determining that a position is not a "specialty occupation" for H-1B purposes if the Labor Department's Occupational Outlook Handbook (OOH) describes more than one educational path that an individual can typically take. Please describe CSC efforts to incorporate these federal court decisions into training materials for examiners.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2 Answer

USCIS is aware of and has reviewed these decisions. Officers are trained to examine the duties and the nature of the employer to determine whether the position is a specialty occupation and satisfies the requirements of INA 214(i) and 8 CFR 214.2(h)(4)(iii)(A). It should also be noted that each case is unique and unlike published Circuit Court opinions, District Court opinions are not binding on USCIS beyond application to that specific case.

Employment Branch 2

Your office confirmed it for me, but can you confirm for the participants in the Open House that USCIS will accept I-129 applications and supporting documents that are double-sided? We will probably continue to print single-sided but understand that double-sided is ok, just more time-consuming for the adjudicators.

Yes, USCIS accepts double-sided documents. If sending a double-sided application or petition, please format the filing so that you can flip pages up on the short side (when a page is flipped, the next page can be read without needing to turn the page 180 degrees).

U.S. Citizenship and Immigration Services

Employment Branch 2

Are there any documents that are routinely submitted with I-129 applications for H-1B that include documents that are NOT necessary? Are there documents that are frequently omitted? We want to make processing easy for you and are very good at following directions if we know what will make the adjudicators happy!

Officers review all evidence submitted to determine the beneficiary's eligibility for the benefit. Each case is adjudicated on its own merits. Petitioners may submit any documentation they believe satisfies eligibility requirements. Providing a brief or explanation may assist the officer in adjudications.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2

In the past I was able to submit two LCAs in one application, for example, in a case where an employee began work on a part-time basis for 2 months and we knew from the beginning that she would then become a full-time employee. We were told that USCIS can only adjudicate applications with multiple LCAs if the LCAs were submitted due to multiple job sites. If the application clearly shows the terms and conditions of the employment and the two LCAs are consecutive, what prevents this kind of filing?

Employment Branch 2 Answer

USCIS adjudicates all petitions on a case-by-case basis, and complex scenarios of this type are dependent on the specific facts and evidence in each individual petition; therefore, we are unable to provide a definitive answer based on the limited facts presented in this question.

However, please note that pursuant to 8 C.F.R. 214.2(h)(2)(i)(E), a petitioner must file a new or amended petition in order to reflect any material changes in the terms or conditions of employment. Such changes could include, but are not limited to: changes in position, duties, pay rate, location of employment, or hours. Furthermore, pursuant to 8 CFR 214.2(h)(9)(i)(B), a petition may not be filed more than 6 months prior to the date of actual need of the beneficiary's services, such that the start date on the second LCA may not comply with this requirement.

Employment Branch 2

Although an Exchange Visitor who is subject to 212(e) is prohibited from changing status to H-1B without a waiver of the requirement, will you approve a change of status for an individual who is subject to 212(e) but is currently in the U.S. in a status other than J-1, e.g. F-1?

Employment Branch 2 Answer:

USCIS would not approve a Change of Status for someone who was previously in a J-1 status subject to 212(e), who is now in another status (F-1 for example), and who has not established that he/she has obtained the proper approved waiver.

Sometimes the beneficiary will have previously held J-1 status subject to 212(e) and has not obtained an approved waiver. In these cases, seeing that the beneficiary was previously a J-1 subject to 212(e), officers will issue an RFE for evidence that the beneficiary has the required waiver regardless of his/her current status unless the exchange visitor has otherwise fulfilled the two-year residence requirement of section 212(e) by either receiving an appropriate waiver from USCIS or physically residing in his or her country of last residence for an aggregate of at least two years, with the exception of J1 Exchange Visitor who received graduate medical education/training. A beneficiary may not circumvent the restriction by virtue of having attained an intermediate status. *Matter of Kim* , 13 I&N Dec. 316 (R.C. 1968).

Employment Branch 2

Can you provide updates on when you expect processing times for I-129 (cap exempt) H-1B applications to improve? Filing via premium processing is a significant expense for state universities, but has become standard practice out of necessity.

USCIS has recently redistributed work to balance workloads and to improve overall processing times. While we are unable to specify when I-129 processing times will improve, we can assure you that we are taking a variety of steps to improve I-129 processing times as soon as possible.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2

Can you confirm that we do NOT need to provide a SSN on the I-129 application, even if the beneficiary has one? We would prefer not to collect that information and have it in our offices. At the NAFSA conference, I heard that some lawyers and universities do not include the SSN on the I-129 or on the I-140.

If the I-129 beneficiary has a SSN, please provide it based on question 4, page 2 of the Form I-129.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2

Pre-submitted questions

Hardship and Persecution Waivers for Clinical Physicians

AILA members report receiving RFEs stating that clinical physicians who have received a hardship waiver or a persecution waiver of the two-year foreign residence requirement pursuant to INA §212(e) are nevertheless still subject to the requirements of INA §214(l) and requesting evidence of an "appropriate approved I-612." INA §212(e) is the statutory waiver granting provision of the INA, whereas §214(l) speaks only to the criteria for an IGA waiver as well as specifically permits clinical physicians with an IGA waiver to change status. In other words, INA §212(e) clearly states that a hardship or a persecution waiver legally overcomes the two-year home residence requirement for clinical physicians who train in J-1 status. Moreover, under INA §248 physicians with hardship or persecution waivers cannot seek a change of status, these petitions should be approved without any evidence of a waiver at all since it is up to the Department of State to determine visa eligibility based on whether or not there is a waiver. Please confirm that these RFES are in error and that a hardship or persecution waiver is sufficient to waive the two year foreign residence requirement for clinical physicians.

Employment Branch 2 Answer

We recognize this question was raised in a recent SCOPS/AILA conference. Internal discussions are ongoing. We will provide any updates as appropriate.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2
Final Filing Tips

In general, if you are submitting evidence in response to this request, also submit the following:

- An index of the evidence and include corresponding tabs for each section of evidence.
- Clear and legible copies of the evidence. If clear and legible copies are not possible, submit the original documents. These originals will be returned, if requested.

U.S. Citizenship and Immigration Services

Employment Branch 2
Final Filing Tips

- If you are requesting consulate notification, provide a duplicate copy of: Form I-129; initial evidence; and any evidence submitted in response to this request.
- If the beneficiary is in the United States and you are requesting a change of status or extension of stay, you may also choose to submit a duplicate copy of the Form I-129 and supporting evidence in case the beneficiary decides to seek a visa at a consular office abroad.

U.S. Citizenship and Immigration Services

AILA Doc. No. 16061332. (Posted 10/20/16)

Employment Branch 2
Final Filing Tips

- Full English language translation(s) of all documents submitted to USCIS that are in foreign language(s). The translator must certify that the translations are accurate and complete and that the translator is competent to translate from the foreign language into English. Documentation not in English and not accompanied by a translation that meets the requirements described above cannot be considered.

U.S. Citizenship and Immigration Services

Employment Branch 2 Final Filing Tips

- Tips for H1B amended petitions:
  - Explain in the supporting letter the reasons why the amended petition is being filed (e.g. change in work location; change in job duties; or change in wages). Discuss what has changed.
  - Amended petitions must be filed when there are material changes to the previously approved Form I-129 that affect the beneficiary or the employer's eligibility. Evidence that the position is a specialty occupation; that the beneficiary is qualified for the position; or that an employer-employee relationship will exist, should be submitted.

Employment Branch 2 Final Filing Tips

- Simeio-related amended petitions:
  - State in the supporting letter the work location(s) where the beneficiary was previously approved to work;
  - State the work location(s) where the beneficiary actually worked and the period(s) the beneficiary worked at those location(s);
  - Provide copies of all LCA(s) obtained for any new work location(s) that were not previously approved; and
  - Provide supporting documents such as payroll records to show the beneficiary's work location(s).

Thank you !!

U.S. Citizenship and Immigration Services